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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,915	02/06/2004	Scott E. Hrastar	20277-001001	8472

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EXAMINER

PEACHES, RANDY

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/773,915	Applicant(s) HRASTAR, SCOTT E.	
	Examiner Randy Peaches	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. ***Claims 1-29*** are rejected under 35 U.S.C. 103(a) as being unpatentable over Rockwell (U.S. Patent Publication 2003/0027550 A1) in view of Bentley (U.S. Patent Number 6,934,298 B2).

Regarding ***claims 1, 24-25 and 26***, Rockwell discloses a method of managing wireless Access Points which reads on claimed "wireless network sensors," the method comprising the steps of:

- (a) dynamically identifying a plurality of said AP's in a Mobile Network Platform (MNP, 12), which reads on claimed "network region." See paragraph [0023];
- (c) determining an airborne security manager (ASM, 34), which reads on claimed "collection agent," for the mobile network platform (MNP, 12), which reads on claimed "selected coverage area." See paragraph [0017];
- (d) communicating a warning, which reads on claimed "indicator," from the said ASM (34) to the plurality of user access point, see paragraph [0023] in the said MNP (12); and

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- (e) receiving security data, which reads on claimed "scan data," from the said ASM (34), wherein the received security response is derived at least in part from data monitored by the said user access with a primary designation for that said MNP (12). The system knows what passenger, which has caused the alert event. See paragraphs [0023-0024 and 0027].

However Rockwell fails to clearly disclose wherein system determines a primary or secondary AP according to the coverage area.

Beatley discloses wherein, (b) selecting for each of the said AP's (14,16) in the plurality a designation of primary or secondary with respect to the selected said coverage area. See column 2 lines 48-58.

Therefore at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify Rockwell in view of Bentley in order to provide a means to differentiate between a primary and secondary said AP.

Regarding **claim 2**, as the combination of Rockwell and Bentley are made, the combination according to **claim 1**, Rockwell continues to disclose wherein the step of (f) communicating the selected designation to the wireless network sensor for which the designation was selected, wherein Rockwell also disclose where the system understand the event has taken place. See paragraph [0027].

Regarding **claim 3**, as the combination of Rockwell and Bentley are made, the combination according to **claim 1**, Rockwell continues to disclose wherein the step of (f)

receiving network configuration information wherein network configuration is the event information regarding the said AP and wherein the step of (a) identifying the security policy regarding the received network configuration information. See paragraph [0022].

Regarding **claim 4**, as the combination of Rockwell and Bentley are made, the combination according to **claim 1**, Rockwell continues to disclose wherein (f) repeating steps (a) through (e) for a said MNP (12), wherein Rockwell states the process can be implemented in multiple platforms. See paragraph [0016].

Regarding **claim 5**, as the combination of Rockwell and Bentley are made, the combination according to **claim 4**, Rockwell continues to disclose wherein the step of (g) repeating steps (a) through (e) for a said MNP (12). See paragraph [0022].

Regarding **claim 6**, as the combination of Rockwell and Bentley are made, the combination according to **claim 5**, Rockwell continues to disclose wherein step (g) occurs at periodic intervals or upon occurrence of an event. See paragraph [0022].

Regarding **claim 7**, as the combination of Rockwell and Bentley are made, the combination according to **claim 6**, Rockwell continues to disclose wherein the step of (h) detecting a status change in one or more of the said AP in the plurality identified for the said MNP (12) and wherein step (g) occurs in response to the detected status change. Rockwell continues to teach wherein the status change is the change when a

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said AP transition from a normal state (42) to suspended state (44). See paragraph [0027].

Regarding **claim 8**, as the combination of Rockwell and Bentley are made, the combination according to **claim 6**, Rockwell continues to disclose the step of (h) receiving a configuration request with respect to the respected MNP (12) and wherein step (g) occurs in response to the received configuration request. See paragraph [0033].

Regarding **claim 9**, as the combination of Rockwell and Bentley are made, the combination according to **claim 4**, Rockwell continues to disclose wherein step (f) occurs at periodic intervals or upon occurrence of an event. See paragraph [0022].

Regarding **claim 10**, as the combination of Rockwell and Bentley are made, the combination according to **claim 9**, Rockwell continues to disclose wherein the step of (g) detecting a network status change and wherein (f) occurs in response to the detected network status change. See paragraph [0022].

Regarding **claim 11**, as the combination of Rockwell and Bentley are made, the combination according to **claim 9**, Rockwell continues to disclose wherein the step of (g) receiving a configuration request and wherein step (f) occurs in response to the received configuration request. See paragraph [0033].

Regarding **claim 12**, as the combination of Rockwell and Bentley are made, the combination according to **claim 1**, Rockwell continues to disclose wherein the step of (f) repeating steps (a) through (e) for the network region. See paragraph [0022].

Regarding **claim 13**, as the combination of Rockwell and Bentley are made, the combination according to **claim 12**, Rockwell continues to disclose wherein the step (f) occurs at periodic intervals or upon occurrence of an event.

Regarding **claim 14**, as the combination of Rockwell and Bentley are made, the combination according to **claim 13**, Rockwell continues to disclose wherein the step of (g) detecting a network status change and wherein (f) occurs in response to the detected network status change. See paragraph [0027].

Regarding **claim 15**, as the combination of Rockwell and Bentley are made, the combination according to **claim 13**, Rockwell continues to disclose wherein step of (g) receiving a configuration request and wherein step (f) occurs in response to the received configuration request. See paragraph [0033].

Regarding **claim 16**, as the combination of Rockwell and Bentley are made, the combination according to **claim 1**, Bentley continues to disclose wherein the identification step (a) comprises the steps of:

- (i) broadcasting a message to one or more said AP's(12, 14). See column 3 lines 40-64;
- (ii) receiving acknowledgments, by recognizing the beacon signals from the one or more said AP's. See column 3 lines 46-58; and
- (iii) determining whether the said AP is within the said coverage area. See column 3 lines 27-64.

Therefore at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify Rockwell in view of Bentley in order to provide a means to recognize the said AP's in a generalized coverage area to optimize the usage of the said active AP's.

Regarding **claim 17**, as the combination of Rockwell and Bentley are made, the combination according to **claim 16**, Rockwell continues to disclose wherein the step (i) comprises addressing the broadcast message to a predetermined logical port. See paragraph [0031].

Regarding **claim 18**, as the combination of Rockwell and Bentley are made, the combination according to **claim 16**, Rockwell continues to disclose wherein the step (i) comprises broadcasting the message over a wired network. See paragraph [0023 and 0024].

Regarding **claim 19**, as the combination of Rockwell and Bentley are made, the

combination according to **claim 1**, Bentley continues to disclose wherein the step (b) selects the designation for each said AP's based upon sensor coverage area, functional capability, numerical priority of device address or combinations thereof. See column 3 lines 48-58.

Therefore at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify Rockwell in view of Bentley in order to provide a means to recognize the said AP's in a generalized coverage area to optimize the usage of the said active AP's.

Regarding **claim 20**, as the combination of Rockwell and Bentley are made, the combination according to **claim 1**, Bentley continues to disclose wherein the step (c) determines one of the wireless sensors as to be the said primary AP. See column 3 lines 18-26.

Therefore at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify Rockwell in view of Bentley in order to provide a means to recognize the said AP's in a generalized coverage area to optimize the usage of the said active AP's.

Regarding **claim 21**, as the combination of Rockwell and Bentley are made, the combination according to **claim 1**, Bentley continues to disclose wherein the received scan data is further derived at least in part from data monitored by a wireless network

sensor with a secondary designation for the network region, wherein Bentley discloses of a separate coverage area being combined together. See column 3 lines 10-17.

Therefore at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify Rockwell in view of Bentley in order to provide a means to differentiate between a primary and secondary said AP.

Regarding **claim 22**, as the combination of Rockwell and Bentley are made, the combination according to **claim 1**, Bentley continues to disclose wherein the said primary AP for the selected coverage area is a selected wireless network sensor from the plurality of wireless network sensors in the selected network region. See column 3 lines 27-40.

Therefore at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify Rockwell in view of Bentley in order to provide a means to differentiate between a primary and secondary said AP so that a said primary AP can be selected in order to manage the communication within a said coverage area.

Regarding **claim 23**, as the combination of Rockwell and Bentley are made, the combination according to **claim 22**, Bentley continues to disclose wherein the selected wireless network sensor is one of the plurality of wireless network sensors for the selected region that has a primary designation. See column 3 lines 27-40.

Therefore at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify Rockwell in view of Bentley in order to provide a means to

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differentiate between a primary and secondary said AP so that a said primary AP can be selected in order to manage the communication within a said coverage area.

Regarding **claim 27**, as the combination of Rockwell and Bentley are made, the combination according to **claim 26**, Bentley continues to disclose wherein the comprising at least one wireless said AP. See FIGURE 1.

Therefore at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify Rockwell in view of Bentley in order to provide a means to differentiate between a primary and secondary said AP so that a said primary AP can be selected in order to manage the communication within a said coverage area.

Regarding **claim 28**, as the combination of Rockwell and Bentley are made, the combination according to **claim 26**, Bentley continues to disclose wherein the said primary AP is a wireless network sensor from the plurality of wireless network sensors determined to be in the selected said coverage area. See column 3 lines 27-40.

Therefore at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify Rockwell in view of Bentley in order to provide a means to differentiate between a primary and secondary said AP so that a said primary AP can be selected in order to manage the communication within a said coverage area.

Regarding **claim 29**, as the combination of Rockwell and Bentley are made, the combination according to **claim 26**, Bentley continues to disclose wherein the said

primary AP is the system for managing wireless network sensors. See column 3 lines 27-40.

Therefore at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify Rockwell in view of Bentley in order to provide a means to differentiate between a primary and secondary said AP so that a said primary AP can be selected in order to manage the communication within a said coverage area.

Response to Arguments

Applicant's arguments filed 1/05/2006 have been fully considered but they are not persuasive.

Regarding ***claim 24***, the Applicant has overcome the 112, second paragraph, rejection as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention.

Regarding ***claims 1, 24-25 and 26***, the Applicant asserts that the cited prior art of Rockwell fails to provide sufficient support to the premise of the Applicant's invention. In response to applicant's argument that cited prior art is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, the Examiner would like to respectfully bring to the Applicant's attention that the Examiner's position is to utilize the broadest most reasonable interpretation of the Applicant's

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claimed invention. Therefore, although Rockwell's invention is particularly within the endeavor of Aircraft Security, the method and operation is in parallel with Applicant's claims.

The Applicant amends the claim to further detail that the identifying process is performed dynamically. Consequently, the Examiner has interpreted Rockwell to "dynamically" identify problematic situation when events occur. In simplicity, a "fault" within the said MNP, occurs at different locales; therefore, the said system must identify those events, wherein the process is performed dynamically.

Further, Rockwell discloses the use of security data, wherein the Examiner has interpreted as "scan data". The Applicant's scan data is information received from the said sensors. In parallel, without contrast, the security data is information received from the said AP's, which essentially provides event notification to the said security manager.

Further, the Applicant argues that the motivation to combine the Examiner's references is unclear. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the Examiner would like to further explain his premise. Clearly, the system of Rockwell

will be improved dramatically by providing the system a means to have back-up devices in the event a primary device fails.

Therefore based on the above comments and the cited Office Action, claims 1-29 stand rejected.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randy Peaches whose telephone number is (571) 272-7914. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Randy Peaches
April 2, 2006


CHARLES APPIAH
PRIMARY EXAMINER